

### REMARKS

Claims 1-10, 12-20, 22-25, 27-53, and 55-71 are presented for examination.

Claims 11 and 26 have been canceled, without prejudice or disclaimer of subject matter.

Claims 1, 2, 5, 7, 9, 12, 16-20, 22, 23, 25, 27, 30-47, 49, 55, 58, and 63-71 have been amended to define more clearly what Applicants regard as their invention. Claims 1, 22, 35, 46, 55, and 63 are in independent form. Favorable reconsideration is requested.

Applicants note with appreciation the indication that Claims 3, 4, 8, 10, 14, 15, 24, 25, 28, 29, 38, 40, and 41 would be allowable if rewritten so as not to depend from a rejected claim, and with no change in scope. These claims have not been so rewritten because, for the reasons given below, their base claims are believed to be allowable.

Claims 1, 2, 5-7, 9, 11-13, 16-18, 22, 23, 26, 27, 30-33, 39, 42-44 and 71 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,696,866 ("Iggulden"). Claim 19 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Iggulden in view of U.S. Patent No. 5,784,521 (Nakatani et al.); Claims 20, 34, 45-48, 55-57 and 63-65, as being unpatentable over Iggulden in view of Nakatani et al. and U.S. Patent No. 5,956,453 (Yaegashi et al.); Claims 36 and 37, as being unpatentable over Iggulden; Claims 49, 50, 58, 59, 66 and 67, as being unpatentable over Iggulden in view of Nakatani et al., Yaegashi et al., and U.S. Patent No. 5,515,101 (Yoshida); and Claims 51-54, 60-62 and 68-70, as being unpatentable over Iggulden in view of Nakatani et al., Yaegashi et al., Yoshida and U.S. Patent No. 6,546,187 (Miyazaki et al.).

Cancellation of Claims 11-26 renders the rejection of those claims moot.

Claim 1 is directed to a method of editing a video sequence comprising at least one clip, each clip being formed at least by video content captured between two points in time and thereby defining a duration of the clip. The method includes extracting duration data associated with the duration of each clip of the sequence. The method further includes processing the duration data of the at least one clip according to at least one template of editing rules to form editing instruction data, the template indicating at least predetermined edited segment durations configured to form output edited segments from the at least one clip, each output edited segment being based on one of the plurality of predetermined edited segment durations. The method further includes processing the at least one clip of the video sequence according to the editing instruction data to form an output edited sequence of the output edited segments.

The proposed amendments to Claim 1 are intended to clarify that the method is centered upon a desire to edit a video sequence, generally arising from raw video footage. The video sequence is formed by at least one clip where each clip is formed by video content captured between two points in time, typically the commencement and cessation of recording of the footage, and which thereby define a duration of the clip. The method of Claim 1 makes use of the duration information of each clip and a template of editing rules to perform an editing operation on the clips of the sequence so as to form output edited segments, with each output edited segment being based upon one of a plurality of edited segment durations. The output edited segments extracted from the various clips are combined to provide an output edited sequence.

The net effect of implementing the method of Claim 1 is to edit the original video sequence to discard portions of that sequence and to reveal an output edited sequence that is formed by segments each having one of the plurality of predetermined edited segment durations. In one of the embodiments described in the present application, for example, those durations are four and ten seconds giving what is called a "four-ten" editing format.<sup>1/</sup> The net effect of applying the method of Claim 1 in that implementation is that each of the edited segments in the output edited sequence will be either, for example, one of four or ten seconds in duration, irrespective of the duration of any of the input clips contained within the source video sequence. Thus, the method of Claim 1 establishes a "rhythmic" editing format such that an observer of the output edited sequence experiences rhythmical changes in edited scenes based upon the four-ten second durations (using that example).

In the method of Claim 1, a video sequence is edited by a template indicating edited segment durations which is patentably distinguishable from the technical approach of Iggulden. Iggulden apparently discusses a system for essentially domestic recording of broadcast television programs and for the consequential playback of those programs with omitting the reproduction of groups of commercials that may have been recorded during the recording of the broadcast television program. With reference to Fig. 9 of Iggulden, it is seen that Iggulden discusses a start of recording and an end of recording. Those two points are understood to define a single recorded "clip". Iggulden further

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<sup>1/</sup>It is of course to be understood that the references to various portions of the present application are by way of illustration and example only, and that the claims are not limited by the details shown in the portions referred to.

operates by identifying changes in the video content captured during that single recording operation to thereby mark the particular instances at which the video content changes. Iggulden, as discussed in column 12, then performs a processing upon the marks in order to identify time periods that equate to the usual durations of television advertisements, being multiples of thirty seconds up to two minutes. As a consequence of these markings, Iggulden can apparently thereby mark the commencement of a group of commercials and the ending of a group of commercials through an examination of the video content. While Iggulden may discuss the use of a real-time counter to assist in identifying individual commercials so that the thirty second multiples can be accurately timed, Iggulden does not teach or suggest extracting duration data associated with the duration of a clip, as recited in Claim 1. At best, Iggulden can only be interpreted as identifying the duration of individual commercials within groups of commercials within the single clip recorded by the user. Accordingly, Iggulden does not anticipate the claimed “clips” and the duration data of the method of Claim 1.

In other words, in Iggulden, apparently the events of an incoming video signal are detected, and the segments of commercials are identified by using the real-time tape counter when detecting. The video sequence is not however edited by using any template indicating edited segment durations, as recited in Claim 1.

Further, the decision rules 1 to 4 in column 12 of Iggulden, which are referenced in the Office Action, are simply used to define a commercial segment, and do not show edited segment durations of Claim 1.

A further distinguishing feature of Claim 1 over Iggulden is found in the performance of editing to arrive at the claimed "output edited sequence".

In Iggulden et al, the markers identifying the start and end of a commercial group are recorded onto the video tape in synchronism with the single clip such that when the single clip is played back by the user, a marker (indicating the start of a commercial group) can be identified to cause the video tape player to change from a play mode to a scan mode whereby the player effectively fast-forwards to the next marker (identifying the end of the commercial group) at which time the player reverts to a normal play speed. The net effect of these operations is that the identification of the commercial group in Iggulden does not result in the editing of the source video to exclude that content from playback, but rather to implement a fast forward scan of the content so as to skip-over that content and revert, as quickly as possible, to replaying the actual program content desired to be viewed by the user, at normal speed.

These processes of Iggulden do not result in an editing of the original input video sequence, nor do they *inter alia* generate an output edited sequence formed of output edited segments being one of a plurality of predetermined edited "segment duration". The only "segment durations" that might be interpreted from Iggulden are the durations of the individual commercials as discussed in column 12, lines 45 to 52. Iggulden at best operates to exclude from viewing those portions of the source video sequence that have the predetermined durations (i.e., the commercials that are multiples of thirty seconds).

In contrast, the "output edited sequence" of Claim 1 seeks to reproduce (i.e., include) edited segments of the source video in which each segment is one of the plurality

of predetermined edited segment durations. These are the four and ten second durations, for example, mentioned in one of the embodiments.<sup>2/</sup> Iggulden therefore, does not anticipate the "output edited segment durations" or the "output edited sequence".

It follows that there is a clear patentable distinction between Claim 1 and Iggulden. Specifically, Iggulden is seeking to exclude individual portions of content that match with certain criteria, that criteria being related to a predetermined duration (a multiple of thirty seconds). In contrast, the method of Claim 1 seeks to include in the output sequence only segments that are of a predetermined segment duration.

This contrast is best seen by considering from Iggulden what is actually viewed by the user. From Fig. 9, it is apparent that what is actually viewed by the user in terms of program content are those program portions between successive commercial groups. There is no disclosure or suggestion contained in Iggulden that the duration of that program material between consecutive commercial groups is in any way fixed to any one or more predetermined duration. As the Examiner may well appreciate, while commercial groups may be broadcast at perceptively regular intervals, those intervals are in no way set, nor is there any express disclosure or suggestion contained in Iggulden that those intervals are indeed set to any one or more "predetermined duration".

It follows for the above reasons that because the method of Claim 1 results in the formation of an output edited sequence formed of output edited segments each having a duration being based on one of a plurality of predetermined edited segment

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<sup>2/</sup>It is of course to be understood that the references to various portions of the present application are by way of illustration and example only, and that the claims are not limited by the details shown in the portions referred to.

duration, that such is not disclosed nor suggested by Iggulden, which operates in a very different manner for a very different purpose and only upon a single clip.

It is suggested in the Office Action that the individual commercials identified by the various markers associated with a commercial group in Iggulden are equivalent to the “clips” recited in Claim 1. However, this is respectfully disagreed with. In Iggulden, the user has recorded a single video stream which is understood to correspond to a single clip. The user in Iggulden records only a single clip through the operations of commencing recording and ending recording. Once the recording is made, in Iggulden the actual content is then analyzed to identify those portions of the recorded material that may be “skipped over” during a particular playback of the recorded material. In contrast, in the method of the invention to which Claim 1 relates, the actual content of the recording of any one or more of the clips is generally irrelevant, and processing is performed based upon the duration data associated with recorded content of each clip. The recorded content of the clips is not necessarily relevant.

Further, in the method of Claim 1, the output edited segments are edited from the “at least one clip”, thereby distinguishing the clip and the segments. The individual commercials of Iggulden are not edited to form an output; they are marked, accumulated and treated as a group and excluded from reproduction.

For at least the foregoing reasons, Claim 1 is seen to be clearly allowable over Iggulden.

Claim 46 is directed to a method of editing a video sequence comprising a

plurality of individual clips each formed by video content captured between a corresponding commencement of recording and a corresponding cessation of recording and distinguished by associated data including at least time data related to a real time at which each clip was recorded. The method includes: (a) examining the time data for each clip to identify those of the clips that are associable by a predetermined time function, the associable clips being arranged into corresponding groups of clips; (b) identifying at least one of a beginning and a conclusion of each group as a title location; (c) for at least one title location, examining at least one of corresponding tune data and further data to generate an insert title including at least a text component; and (d) incorporating the insert title into the sequence at the title location.

The clips of Claim 46 are different from the single clip discussed in Fig. 9 of Iggulden. Each clip in Claim 46 is associated with a time of commencement of recording and a time of cessation of recording. These times are used to identify groups of clips in the raw footage which may then be associated over a particular time period (e.g., clips recorded in the morning, compared to those recorded at lunchtime, and those recorded at dinner time).

The Office Action at page 8 states that Iggulden "discloses examining the time data for each clip to identify those of the clips that are associable by a predetermined time function". Applicant respectfully submits that Iggulden discusses only a single clip and the alleged time function discussed in column 12 relates to identifying individual segments of content of that single clip and not a time of commencement and a time of conclusion of recording of the single clip. While Iggulden may discuss a real time clock



used as a counter, such is only operable having identified the transitions between recorded content at the commencement of certain advertisements. The real time clock of Iggulden is only operable, as described in column 12, to identify those time periods between markers that are 30 seconds, 60 seconds, 90 seconds or 120 seconds. While the time recorded for a marker may be, for example, 19:30:25, such is only useful if the next marker, for example, is 19:30:55 (i.e., 30 seconds later), those two markers thereby identifying a 30 second commercial. The fact that the commercial was broadcast at 19:30 is irrelevant in Iggulden. The same applies for the commercial groups of Iggulden. The real time clock in Iggulden does not make any use of the actual real time at which recording was commenced or concluded.

Further, the interpretation of "clips" in the Office Action with respect to Iggulden relates to individual portions of the broadcast video signal and not times at which recording was either commenced or concluded. This is certainly the case unless, by some coincidence, the user commenced recording at the start of a commercial group and ended recording at the end of the same commercial group. There is certainly no suggestion of this contained in Iggulden and such is clearly at odds with the overall thrust of Iggulden.

Nothing has been found in Nakatani et al. or Yaegashi et al., either separately or in any permissible combination (if any) that would remedy the deficiencies of Iggulden explained above. Even assuming *arguendo* they were to be combined, a hypothetical combination of these references (again, assuming such combination would even be permissible) would merely result in the insertion of a title either at the beginning or at the end of a particular commercial group within the single clip of Iggulden. There is no

teaching or suggestion contained in these references that individual clips may be grouped together according to a time function and then a title inserted either at the beginning or end of that group of clips.

For at least the foregoing reasons, Claim 46 is seen to be clearly allowable over Iggulden, Nakatani et al., and Yaegashi et al., whether considered either separately or in any permissible combination (if any).

Independent Claims 22 and 35 have features similar to those of Claim 1 and independent Claims 55 and 63 have features similar to those of Claim 46. For at least the reasons discussed above for Claims 1 and 46, respectively, these claims are believed to be patentable over the references cited against them.

A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment After Final Action is believed clearly to place this application in condition for allowance and, therefore, its entry is believed proper under 37 C.F.R. § 1.116. Accordingly, entry of this Amendment After Final Action, as an earnest

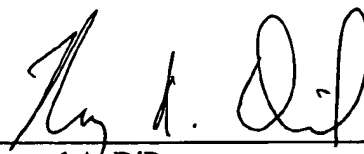
effort to advance prosecution and reduce the number of issues, is respectfully requested.

Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ray A. DiPerna', written over a horizontal line.

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